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8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
10 AT TACOMA

11 RONALD LEE PAULSON,

12 Plaintiff,

13 v.

14 PRISONER TRANSPORT, *et al.*,

15 Defendants.

16 CASE NO. 3:19-cv-05491-BHS-JRC

17 ORDER FOR DEFENDANT
18 PRISONER TRANSPORT TO
19 SHOW CAUSE ON OR BEFORE
20 **OCTOBER 14, 2019**

21 This is a civil rights action brought under 42 U.S.C. § 1983. *See* Dkt. 6. On July 24,
22 2019, the Court entered an Order directing service of plaintiff's complaint, which informed
23 defendants that they had 30 days in which to return a waiver of service of summons and—if they
24 waived service of summons—60 days from date on the notice of lawsuit to serve an answer or
motion under Federal Rule of Civil Procedure 12. *See* Dkt. 7, at 2. Otherwise, defendants would
be personally served, possibly at their own expense. *See* Dkt. 7, at 2.

21 The Clerk's Office sent the complaint and Order by first-class mail to all defendants. *See*
22 Dkt. 7. The Clerk's Office also sent a copy of the waiver of service of summons form, which
23 informed defendants that failure to file and serve an answer or motion under Rule 12 within 60
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1 days of July 24, 2019, could result in a judgment being entered against a defendant. *See, e.g.,*
2 Dkt. 9, at 1. Defendant Prisoner Transport did not return a waiver of service of summons. *See*
3 Dkt. However, defendant Prisoner Transport entered an appearance on August 19, 2019 (*see*
4 Dkt. 12; *see also* Dkts. 13, 14) and later filed a notice of withdrawal of two of its three counsel
5 and a corporate disclosure statement. *See* Dkts. 15, 17. None of the appearances entered by
6 defendant Prisoner Transport’s counsel reserved issues of sufficiency of service or personal
7 jurisdiction. *See* Dkt. 12, at 1; Dkt. 13, at 1; Dkt. 14, at 1. Defendant Prisoner Transport has not
8 otherwise taken action in this matter—including filing a timely answer or motion under Rule 12.

9 The Ninth Circuit has stated that “[a] general appearance or responsive pleading by a
10 defendant that fails to dispute personal jurisdiction will waive any defect in service or personal
11 jurisdiction.” *Benny v. Pipes*, 799 F.2d 489, 492 (9th Cir. 1986). Therefore, defendant Prisoner
12 Transport is hereby ordered to show cause regarding its failure to file a timely answer or motion
13 under Rule 12 in this matter.

Defendant Prisoner Transport may satisfy this Order by filing a motion under Rule 12 or
answer to the complaint. Prisoner Transport may also satisfy this Order by showing cause that
its appearance in this matter has not waived any defect in service, so that personal service is
appropriate—including any argument that personal service should not be at Prisoner Transport’s
expense. In either event, Prisoner Transport must take action in response to this Order on or
before **October 14, 2019**. The Clerk’s Office will update the docket accordingly.

20 Dated this 30th day of September, 2019.

J. K. Ward (matins)

J. Richard Creatura
United States Magistrate Judge